

7-24-2008

Amended Order by Justice Mactavish dated 24 July 2008

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Federal Court



Cour fédérale

Date: 20080724

Docket: T-727-08

Ottawa, Ontario, July 24, 2008**PRESENT:** The Honourable Madam Justice Mactavish**BETWEEN:****ABOUSFIAN ABDELRAZIK****Applicant****and****MINISTER OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE****Respondent****AMENDED ORDER****THIS COURT ORDERS that:**

1. The Applicant's solicitor shall be allowed to send and receive solicitor client communications to and from the Applicant while he is residing in the Canadian Embassy in Khartoum, Sudan (the Embassy);
2. The Respondent's agent shall check the Embassy facsimile machine at least once each Embassy working day for solicitor client communications from the Applicant's solicitor;

3. Neither the Respondent nor the Respondent's agent shall be responsible for periodic failures of the telephone line which occur regularly in Khartoum, or for malfunction of the facsimile machine and related equipment;
4. Upon receiving a facsimile from the Applicant's solicitor which is clearly marked "SOLICITOR CLIENT PRIVILEGE", the Respondent's agent shall not review the documents that follow the facsimile cover page, except as provided for in paragraph 6 herein, but shall promptly place the printed privileged document into a sealed envelope and as soon as reasonably practicable within the Embassy working hours deliver the envelope to the Applicant. The Applicant shall acknowledge receipt of the faxed documents by signing for them;
5. If documents are faxed to the Embassy by the Applicant's solicitor outside of Embassy working hour (i.e. Sunday – Thursday 8 a.m. to 4 p.m.) then the Respondent's agent shall deliver them to the Applicant as soon as reasonably practicable on the next Embassy working day when the facsimile machine is next checked;
6. The Respondent's agents may review the documents received by facsimile only for the purpose of ensuring that all the pages have been received before placing them in a sealed envelope;

7. The Respondent's agents shall not make any copies of the solicitor client documents;
8. At the request of the Applicant, within the Embassy working hours, the Respondent's agents in the Canadian Embassy in Khartoum shall as soon as reasonably practicable send solicitor client documents from the Applicant to the Applicant's solicitor by facsimile;
9. The Applicant is responsible for providing such documents in an envelope to the Respondent's agents;
10. After sending the solicitor client documents from the Applicant to the Applicant's solicitor, the Respondent's agents shall promptly return the documents to the Applicant without reviewing the documents or making any copies;
11. This matter shall continue as a specially managed proceeding; and
12. In all other respects, the motion is dismissed, without costs.

"Anne Mactavish"

Judge

Federal Court



CANADA

Cour fédérale

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